

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL WHITEHEAD : CIVIL ACTION
v. :
COMMONWEALTH OF PA, et al. : NO. 13-4947

ORDER


AND NOW, this 13th day of March, 2014, upon consideration of petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241(a) (Doc. 1), the Response to Petition for Writ of Habeas Corpus (Doc. 14), the record in this case, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated February 20, 2014, it is hereby

ORDERED

as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated February 20, 2014, is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies; and
3. A certificate of appealability will not issue because reasonable jurists would not debate this Court's procedural ruling as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:


HARVEY BARTLE, III, J.